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**Testimony of
Judge Omar A. Williams and retired Chief Justice Chase T. Rogers
Co-Chairs of the Jury Selection Task Force
Judiciary Committee Public Hearing
March 15, 2021**

**H.B. 6548, An Act Concerning the Recommendations
of the Jury Selection Task Force**

Good morning Senator Winfield, Representative Stafstrom, Senator Kissel and Representative Fishbein. Thank you for the opportunity to testify in support of **H.B. 6548, *An Act Concerning the Recommendations of the Jury Selection Task Force***. My name is Judge Omar Williams and I am here with retired Chief Justice Chase Rogers. We served as the co-chairs of the Jury Selection Task Force.

Racial and ethnic disparities are undeniable in a review of our criminal justice statistics here and nationwide. In October of 2020, Hearst Media reported that African-Americans made up 12% of Connecticut's population in 2019, but some 42.7% of our prison population as of January 2020. Harvard's Law School published a study this past September, finding that black and Latino residents are more likely to be stopped by police, searched, and arrested, and to face more serious charges and to receive more lengthy jail sentences than are white residents. How do we increase equity?

To address part of this disparity, the Connecticut Supreme Court commissioned the Jury Selection Task Force to study the issue of racial discrimination in the selection of juries, to consider measures intended to promote the selection of diverse jury panels and to propose necessary changes, to be implemented by court rule or legislation, to the jury

selection process in Connecticut. Chief Justice Richard A. Robinson appointed the members of the task force. We began meeting in July 2020 and issued the task force's [final report](#) on December 31, 2020.

The task force reviewed the rate of disqualifications in the 2019 court year and found that nearly 4% of potential jurors were disqualified because they were not citizens, and .27% of potential jurors were disqualified because they were convicted of a felony less than 7 years ago. The task force recommended expanding individuals who can qualify for jury service to include: non-citizens and people who were convicted of a felony, as long as they are not in the physical custody of the Department of Correction. Additionally, the task force recommended moving the age in which a juror can claim an exemption from 70 to 75 years. These changes are found in Section 1 of the bill.

Although our present summoning process stands on strong constitutional ground, it is saddled by problems endemic to jury summoning systems nationwide - jurors lost to the process because a summons is undeliverable, people don't show up or are disqualified for valid reasons. These endemic issues that are not systemic, have a substantial impact on minority representation. Section 2 of the bill adjusts the method for summoning jurors to reflect the rate at which jurors summoned in each municipality actually complied with the summons in the past year. This yield analysis ensures that summons are sent based on the real data gathered for each town yield of prospective jurors.

The task force concluded that a crucial step to ensuring fair trials with diverse jury members is to begin to collect data on who is called for jury duty and selected to serve on a jury. Section 3 of the bill directs the Jury Administrator to compile the number of jurors summoned from each town who complied with the summons.

Until the yield analysis in Section 2 of the bill is implemented, the Jury Administrator will be required anytime she receives an undeliverable summons, to send out a replacement summons to that zip code, pursuant to Section 4 of the bill.

Section 5 of the bill requires the Jury Administrator to collect additional demographic information. This information will be compiled into a record of demographic

characteristics of all persons who are summoned for jury service, participate in a panel, subject to peremptory challenges, subject to challenges for cause and who served on a jury. The information will be publicly available, as there will not be any personally identifiable information included.

The task force recommended paying unemployed or part-time workers who serve as jurors the prevailing minimum wage for their jury service, and providing to them reimbursement for travel expenses and family care. Under current law, jurors are entitled to reimbursement for expenses including mileage, bus fare and child and family care. Reimbursement for expenses cannot be less than \$20 or more than \$50. Additionally, the task force recommended paying full-time employees who are not compensated by their employer after the fifth day of jury serve, the prevailing minimum wage, instead of the current \$50 per day.

We would respectfully request that the implementation dates of the following sections be changed as listed below:

Section 3 effective on October 1, 2022

Section 4 effective on July 1, 2022

Section 5 effective on October 1, 2022

Judges stay out of the legislative process to respect the separation of powers, but our ethical cannons implore us to “promote access to justice for all.” A fair trial by a jury of one’s peers is at the heart of our system of justice. Aside from taxation and voting, jury service for many of our residents is their only personal connection to our courts, and to our government. It shapes their view of our democracy. For the litigants, a trial determines liberty, employment, solvency, and (collaterally) housing, parenthood, self-worth, and limits on future advancement. Our democracy is only as fair as our trials, and our juries are only as fair as our selection process. We urge you to support the data-driven, compelling, and restorative recommendations of the Jury Selection Task Force.

Thank you for your time and attention to this matter. We are happy to answer any questions that you may have.